

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN BILL TASH**, on March 21, 2003 at 3:31 P.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Bill Tash, Chairman (R)  
Sen. Aubyn Curtiss, Vice Chairman (R)  
Sen. Sherm Anderson (R)  
Sen. Gregory D. Barkus (R)  
Sen. Jon Ellingson (D)  
Sen. Rick Laible (R)  
Sen. Bea McCarthy (D)  
Sen. Dan McGee (R)  
Sen. Gary L. Perry (R)  
Sen. Glenn Roush (D)  
Sen. Debbie Shea (D)

**Members Excused:** Sen. Ken Toole (D)

**Members Absent:** None.

**Staff Present:** Krista Lee Evans, Legislative Branch  
Roberta Opel, Committee Secretary

**Video-taped Committee:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

**Committee Business Summary:**

Hearing & Date Posted: HB 574, 3/21/2003, HB 669,  
3/21/2003, HB 684, 3/21/2003, HB  
287, 3/21/2003  
Executive Action: HB 287, HB 443, HB 574, HB 684, HB  
467, HB 223, HB 537, HB 527, HB 617

**HEARING ON HB 574**

**Opening Statement by Sponsor:** REP. LARRY LEHMAN, HD 87, Power, presented HB 574 to the committee; to revise authority to regulate burning on certain property.

**Proponents' Testimony:**

3:37pm Leonard Lundby, Vaughn Volunteer Firefighter's Department  
3:39pm John Semple, representing MT. Fire Alliance  
3:40pm Harold Blattos, Montana Association of Counties (MACO)  
3:41pm Pat Clinch, President, MT. Association of Firefighter's

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

3:41pm Begin  
3:56pm End  
15 min Elapsed time

**Closing by Sponsor:**

4:57pm REP. LEHMAN closed the hearing on HB 574.

**HEARING ON HB 669**

**Opening Statement by Sponsor:** REP. CINDY YOUNKIN, HD 28, Bozeman, presented HB 669 to the committee; to revise park dedication requirements for subdivisions. She presented an amendment to the bill. **EXHIBIT**(nas60a01)

**Proponents' Testimony:**

4:01pm Janet Ellis, MT. Audubon Society

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

4:03pm Begin  
4:19pm End  
22 min Elapsed time

**Closing by Sponsor:**

4:20pm SEN. YOUNKIN closed the hearing on HB 669.

**HEARING ON HB 684**

**Opening Statement by Sponsor:** REP. ALAN OLSON, HD 8, Roundup, presented HB 684; to revise termination of mine operation permit revocation and transfer. **EXHIBIT (nas60a02)**

**Proponents' Testimony:**

4:25pm Don Allen, Western Environmental Trade Association (WETA)

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

4:25pm Begin  
4:27pm End  
2 min Elapsed time

**Closing by Sponsor:**

4:27pm SEN. OLSON closed the hearing on HB 684.

**HEARING ON HB 287**

**(re-referred to Senate Natural Resources)**

**Proponents' Testimony:**

4:30pm Pat Clinch, MT. Firefighter's Association  
4:30pm Mike Barrett, representing himself, submitted written testimony **EXHIBIT (nas60a03)**

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

4:30pm Begin  
4:35pm End  
5 min Elapsed time

**EXECUTIVE ACTION ON HB 287**

**Motion:** SEN. BEA MCCARTHY moved HB 287 BE CONCURRED IN.

**Discussion:**

4:35pm Begin  
4:39pm End

4 min Elapsed time

**Substitute Motion/Vote:** Substitute motion by SEN. MCCARTHY to INDEFINITELY POSTPONE HB 287 failed 7-5 with SENATORS ANDERSON, LAIBLE, MCGEE, PERRY, ROUSH, SHEA and TOOLE voting no on a roll call vote.

**Vote:** Motion HB 287 BE CONCURRED IN carried 10-2 with SENATORS JON ELLINGSON and KEN TOOLE voting no.

**Discussion:**

4:40pm Begin

4:53pm End

13 min Elapsed time

**EXECUTIVE ACTION ON HB 433**

**Motion:** Motion by SEN. MCCARTHY to adopt AMENDMENT HB043304.alm **EXHIBIT** (nas60a04)

**Discussion:**

4:59pm Begin

5:00pm End

2 min Elapsed time

**Informational Witnesses and Testimony:**

5:00pm Jan Sensibaugh, Director, MT. Dept. of Environmental Quality

5:02pm **Vote:** Motion to adopt AMENDMENT HB0043304.alm carried unanimously.

**Motion/Vote:** SEN. BEA MCCARTHY moved HB 443 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

**EXECUTIVE ACTION ON HB 574**

**Motion:** SEN. ANDERSON moved HB 574 BE CONCURRED IN.

**Discussion:**

5:03pm Begin

5:13pm End

10 min Elapsed time

**Vote:** Motion HB 574 BE CONCURRED IN failed 6-6 on a roll call with SENATORS BILL TASH, GREG BARKUS, RICK LAIBLE, BEA MCCARTHY, DAN MCGEE and AUBYN CURTISS voting no.

**Motion/Vote:** Motion by SEN. MCGEE to INDEFINITELY POSTPONE HB 574 carried unanimously.

**EXECUTIVE ACTION ON HB 684**

**Motion/Vote:** Motion by SEN. DEBBIE SHEA HB 684 BE CONCURRED IN. Motion carried unanimously.

**EXECUTIVE ACTION ON HB 467**

**Motion:** Motion by SEN. SHEA HB 467 BE CONCURRED IN.

**Discussion:**

5:16pm Begin  
5:30pm End  
10 min Elapsed time

**Vote:** Motion HB 467 BE CONCURRED IN carried 10-2 with SENATORS ELLINGSON AND TOOLE voting no.

**EXECUTIVE ACTION ON HB 223**

**Note:** AMENDMENT HB022301.akl was distributed. **EXHIBIT**(nas60a05)

**Motion:** Motion by SEN. GREG BARKUS HB 223 BE CONCURRED IN.

**Substitute Motion:** Substitute motion by SEN. MCGEE to adopt AMENDMENT HB022301.

**Discussion:**

5:34pm Begin  
5:37pm End  
3 min Elapsed time

**Informational Witnesses and Testimony:**

5:37pm Bud Clinch, Director, MT. Dept. of Natural Resources and Conservation(DNRC) **EXHIBIT**(nas60a06)

**NOTE:** CHAIRMAN TASH requested that Legislative Services attorney, Greg Petesch, provide information to the committee regarding HB 223.

Motion: Motion by SEN. BARKUS HB 223 BE CONCURRED IN was withdrawn.

EXECUTIVE ACTION ON HB 537

Motion: Motion by SEN. MCCARTHY HB 537 BE CONCURRED IN.

Note: AMENDMENT HB053701.akl distributed to the committee  
**EXHIBIT**(nas60a07)

Vote: Motion to adopt AMENDMENT HB053701.akl failed with SENATORS TASH, ANDERSON, BARKUS, LAIBLE, MCCARTHY, MCGEE, PERRY, ROUSH, SHEA and CURTISS voting no.

Motion: Motion by SEN. BEA MCCARTHY HB 537 BE CONCURRED IN.

Discussion:

5:53pm Begin  
6:01pm End  
8 min Elapsed time

Vote: Motion by SEN. MCCARTHY HB 537 BE CONCURRED IN carried 10-2 with SENATORS ELLINGSON and TOOLE voting no.

EXECUTIVE ACTION ON HB 527

Motion: Motion by SEN. MCGEE HB 527 BE CONCURRED IN.

Note: AMENDMENT HB052702.akl distributed to the committee.  
**EXHIBIT**(nas60a08)

Motion: SEN. MCGEE moved AMENDMENT HB052702.akl.

Discussion:

6:03pm Begin  
6:10pm Ended  
7 min Elapsed time

Motion/Vote: Motion by SEN. AUBYN CURTISS to adopt AMENDMENT HB052702.akl. Motion carried with SENATORS ELLINGSON and TOOLE voting no.

Motion/Vote: Motion by SEN. DAN MCGEE HB 527 BE CONCURRED IN AS AMENDED carried with 11-1 with SEN. TOOLE voting no.

**EXECUTIVE ACTION ON HB 617**

**Motion:** Motion by SEN. MCGEE moved HB 617 BE CONCURRED IN.

**Discussion:**

6:18pm Begin

6:20pm End

2 min Elapsed time

**Vote:** Motion by SEN. MCGEE HB 617 BE CONCURRED IN carried 10-2  
with SENATORS ELLINGSON and TOOLE voting no.

**ADJOURNMENT**

Adjournment: 6:18 P.M.

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SEN. BILL TASH, Chairman

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ROBERTA OPEL, Secretary

BT/RO

**EXHIBIT** (nas60aad)